

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF RESIDENTIAL BUILDERS AND
MAINTENANCE AND ALTERATION CONTRACTORS

In the Matter of

KEITH ANTHONY KAKUK, JR.
License No. 21-01-177464

File No. 21-15-328142

Respondent.

CONSENT ORDER

On May 20, 2016, the Department of Licensing and Regulatory Affairs executed a Formal Complaint charging Respondent with violating the Occupational Code, MCL 339.101 *et seq.*

Respondent neither admits nor denies the allegations in the Complaint but agrees that for the purposes of this Order the allegations shall be accepted as true. The Michigan Board of Residential Builders and Maintenance and Alteration Contractors has reviewed this Consent Order and Stipulation and agrees that the public interest is best served by resolution of the outstanding Complaint.

Therefore, IT IS FOUND that the facts alleged in the Complaint constitute violation(s) of MCL 339.604(c), MCL 339.2411(2)(a), and MCL 339.2411(2)(c).

IT IS ORDERED that for the cited violations of the Occupational Code, Respondent is FINED \$500.00 to be paid to the State of Michigan within 60 days of the effective date of this Order.

IT IS FURTHER ORDERED that the fine shall be mailed to the **Department of Licensing and Regulatory Affairs, Legal Affairs/Enforcement Division, P.O. Box 30189, Lansing, MI 48909**. The fine shall be paid by check or money order, made payable to the State of Michigan, and the check or money order shall clearly display file numbers **21-15-328142**.

IT IS FURTHER ORDERED that failure to comply with the terms of this Order shall result in **SUSPENSION** of all licenses or registrations held by Respondent under Article 24 of the Occupational Code and in the denial of any license or registration renewal until compliance with this Order.

IT IS FURTHER ORDERED that this Order shall be effective 30 days from the date signed by the Board, as set forth below.

**MICHIGAN BOARD OF RESIDENTIAL BUILDERS AND
MAINTENANCE AND ALTERATION CONTRACTORS**

By: 
Chairperson

Dated: 6-13-17

STIPULATION

1. Respondent neither admits nor denies the alleged violations but, pursuant to the principle of settlement and compromise, agrees that the alleged violations shall be accepted as true for purposes of this Order.

2. The facts alleged in the Complaint constitute violation(s) of MCL 339.604(c), MCL 339.2411(2)(a), and MCL 339.2411(2)(c).

3. Respondent understands and intends that by signing this Stipulation Respondent is waiving the right, pursuant to the Occupational Code, the rules promulgated thereunder, and the Administrative Procedures Act, MCL 24.201 *et seq.*, to require the Department to prove the charges set forth in the Complaint by presentation of evidence and legal authority, and Respondent is waiving the right to appear with an attorney and such witnesses as Respondent may desire to present a defense to the charges.

4. This matter is a public record required to be published and made available to the public pursuant to the Michigan Freedom of Information Act, MCL 24.231 *et seq.*

5. Factors taken into consideration in the formulation of this Order are as follows:

A homeowner retained Respondent to re-roof the homeowner's house. After Respondent received money for the project, a falling out between the parties occurred and the work was never completed. Respondent, having already

obtained shingles and other materials for the project, retained the remainder of the project funds, and the homeowner filed a complaint with the Department.

In resolution of this matter, Respondent delivered the shingles to the homeowner and restored the balance of the amount owed. The homeowner is satisfied with this resolution.

6. This proposal is conditioned upon acceptance by the Board.

Respondent and the Department expressly reserve the right to further proceedings should this Order be rejected.

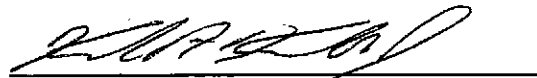
AGREED TO BY:



Kim Gaedeke, Director
Bureau of Professional Licensing
Department of Licensing and
Regulatory Affairs

Dated: 6/5/17/2017

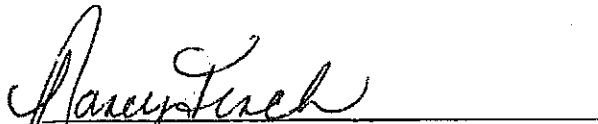
AGREED TO BY:



Keith Anthony Kakuk, Jr.
Respondent

Dated: 5-2-2017

APPROVED AS TO FORM:



Nancy Finch (P39267)
Attorney for Respondent

Dated: 5/2/2017

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF RESIDENTIAL BUILDERS AND
MAINTENANCE AND ALTERATION CONTRACTORS

In the Matter of

KEITH ANTHONY KAKUK, JR.
License Number: 21-01-177464

File Number: 21-15-328142

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Keith Anthony Kakuk, Jr. (Respondent) as follows:

1. The Michigan Board of Residential Builders and Maintenance and Alteration Contractors (Board) is an administrative agency established by the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq. Pursuant to section 602 of the Occupational Code, supra, the Board is empowered to penalize licensees for violations of the Occupational Code.

2. Respondent is licensed as a residential builder in the state of Michigan.

3. On June 10, 2015, Respondent provided an estimate to
(Homeowners) to replace their roof and make other repairs to their

home for \$16,500.00. Homeowners agreed to have the work done at that price, but Respondent failed to provide Homeowners with a written contract signed by all parties.

4. On August 11, 2015, Homeowners signed over an insurance check to Respondent for \$12,500.00 for supplies and work.

5. On November 20, 2015, Homeowners filed a Statement of Complaint with Complainant alleging Respondent cashed the check and failed to perform any work on their home.

6. On December 18, 2015, Complainant forwarded a copy of Homeowner's Statement of Complaint to Respondent. Respondent failed to confirm or deny the justification for the complaint within 15 days.

7. On April 6, 2016, during an interview with Complainant's investigator, Respondent admitted receiving an insurance check for \$12,500.00 from Homeowners and cashing the check. Respondent claimed he purchased materials and supplies with the money. Respondent also claimed that he returned \$1,000.00 of the proceeds to Homeowners. However, when requested by Complainant, Respondent was unable to produce books, records, receipts, or other documents showing the materials purchased and the amount paid. Nor was Respondent able to produce any documentation showing that he returned \$1,000.00 to Homeowners. Respondent further admitted that he failed to perform any work on Homeowners' home, did not return the materials and supplies allegedly purchased, and refused to refund the Homeowners' money.

COUNT I

Respondent's conduct, as described above, evidences a failure to reduce all agreements and changes to the agreements between a builder, or contractor, and customer to writing and have the agreement signed by all parties, contrary to Mich Admin Code, R 338.1533(1), in violation of section 604(c) of the Occupational Code, supra.

COUNT II

Respondent's conduct, as described above, evidences a failure to keep and maintain a complete, accurate set of books and records, contrary to Mich Admin Code, R 338.1534, in violation of section 604(c) of the Occupational Code, supra.

COUNT III

Respondent's conduct, as described above, evidences a failure to respond to a complaint within 15 days from receipt of the complaint, contrary to Mich Admin Code, R 338.1551(2), in violation of section 604(c) of the Occupational Code, supra.

COUNT IV

Respondent's conduct, as described above, evidences abandonment without legal excuse of a contract, construction project, or operation engaged in or undertaken by the licensee, in violation of section 2411(2)(a) of the Occupational Code, supra.

COUNT V

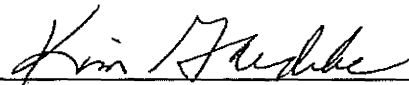
Respondent's conduct, as described above, evidences a failure to account for or remit money coming into the person's possession that belongs to others, in violation of section 2411(2)(c) of the Occupational Code, supra.

Complainant requests that this Complaint be served upon Respondent and that Respondent be offered an opportunity to show compliance with all lawful requirements for retention of the license. If compliance is not shown, Complainant further requests that formal proceedings be commenced pursuant to the Occupational Code, rules promulgated thereunder, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 et seq.

CONTINUED ON THE NEXT PAGE.

Pursuant to section 508 of the Occupational Code, supra, Respondent has 15 days from the date of receipt of this Complaint to notify Complainant of Respondent's decision to either negotiate a settlement of this matter, to demonstrate compliance with the Occupational Code, or to request an administrative hearing. Written notification of Respondent's selection shall be submitted to Complainant, Kim Gaedeke, Director, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909. If Respondent fails to submit written notification within 15 days, this matter shall proceed to an administrative hearing.

Dated: 05/20/2016



Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Formal Complaint in the matter of Keith Anthony Kakuk, Jr., File Number 21-15-328142, before the Michigan Board Residential Builders and Maintenance and Alteration Contractors, consisting of five pages, this page included.

TD